APPENDIX A.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

No. 22116.

UNITED STATES OF AMERICA

v.

CHARLES SHERMAN, A/K/A "SHIKE".

JUDGMENT AND COMMITMENT.

On this 11th day of February, 1966 came the attorney for the government and the defendant appeared in person and by counsel.

IT IS ADJUDGED that the defendant has been convicted upon his plea of NOT GUILTY and a verdict of GUILTY of the offense of theft from interstate shipment as charged and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of FIVE (5) YEARS. Parole Report Required.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ Harold K. Wood,
United States District Judge.

APPENDIX B.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 15788

UNITED STATES OF AMERICA

v.

CHARLES SHERMAN, a/k/a "SHIKE",
Appellant

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Argued January 17, 1967

Before: HASTIE, GANEY and SEITZ, *Circuit Judges.*

OPINION OF THE COURT.

(Filed January 30, 1967)

PER CURIAM:

This appeal from a federal conviction and sentence on a charge of theft of a carton of goods from an airline terminal presents a claim that the defendant's right to the benefit of counsel has been unlawfully abridged.

The accused had retained counsel long enough before trial to permit adequate preparation. On Friday, when the case was called for trial, counsel stated that he was ready for trial but was immediately engaged in trial in another court. The court then stated its unwillingness to permit the accused to remain longer on bail pending trial

and proposed that the trial proceed on Monday. Counsel suggested the possibility that an associate in his office might defend the accused.

The trial began the following Monday and continued to its conclusion with a junior associate of retained counsel acting for the defense.

The record discloses no motion for a continuance and no representation that retained counsel's associate could not adequately get ready over the weekend for the presentation that retained counsel was already prepared to make. Indeed, the substitution of his junior associate was retained counsel's own suggestion.

In all of the circumstances, and particularly in the absence of any objection by counsel either to the substitution of his associate as counsel or to the trial date, we find no abridgement of the defendant's rights in the matter of representation by counsel.

The judgment will be affirmed.

APPENDIX C.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 15788

UNITED STATES OF AMERICA

v.

CHARLES SHERMAN, a/k/a "SHIKE",
Appellant

(D. C. CRIMINAL No. 22116)

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Present: HASTIE, GANEY and SEITZ, *Circuit Judges.*

JUDGMENT.

This cause came on to be heard on the record from the United States District Court for the Eastern District of Pennsylvania and was argued by counsel.

On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the said District Court, filed February 15, 1966, be, and the same is hereby affirmed.

Attest: THOMAS F. QUINN,
Clerk.

January 30, 1967.